

WEDNESDAY, FEBRUARY 10, 2010

FIFTY-FIFTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 8:30 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Martin Babb of Springfield Baptist Church in Springfield, Tennessee, a guest of Senator Black.

PLEDGE OF ALLEGIANCE

Senator Black led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 30

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

COMMUNICATIONS

February 8, 2010

Lt. Governor Ron Ramsey
One Legislative Plaza
Nashville, TN 37243

Dear Mr. Speaker:

I respectfully request to be excused from the Senate Session on Wednesday, February 10, 2010, in order to travel to New Orleans, Louisiana on professional business. Thank you for your consideration of this request.

Sincerely,

/s/ Senator Mark Norris

APPROVED: Lieutenant Governor
Ron Ramsey

February 10, 2010

Lt. Governor Ramsey,

Please excuse me from Session on Wednesday, February 10, 2010, at 8:30 a.m. I will not be able to attend.

Sincerely,

/s/ Senator Doug Jackson

APPROVED: Lieutenant Governor
Ron Ramsey

STANDING COMMITTEE REPORTS

ENVIRONMENT, CONSERVATION AND TOURISM

MR. SPEAKER: Your Committee on Environment, Conservation and Tourism begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2551 and 3295.

SOUTHERLAND, Chairperson
February 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2551 and 3295 to the Committee on Calendar.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 3057 and 3435; also, recommend that Senate Bills Nos. 2386, 2483, 2499, 2500, 2503, 2513, 2516, 2531, 2557, 2582, 2609, 2610, 2638, 2643, 2713, 2755, 2779, 2853, 2854, 2856, 2872, 2894, 3010, 3218, 3328, 3363, 3472, 3499, 3515, 3516 and 3624 be referred to Committee on Finance, Ways and Means.

TRACY, Chairperson
February 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 3057 and 3435 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2386, 2483, 2499, 2500, 2503, 2513, 2516, 2531, 2557, 2582, 2609, 2610, 2638, 2643, 2713, 2755, 2779, 2853, 2854, 2856, 2872, 2894, 3010, 3218, 3328, 3363, 3472, 3499, 3515, 3516 and 3624 to the Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2501 with amendment, 2570 with amendment, 2836, 3046, 3407 with amendment, 3498 with amendment,

WEDNESDAY, FEBRUARY 10, 2010 -- 55TH LEGISLATIVE DAY

3522, 3581 with amendment, 3814 and 3815 with amendment; also recommend that Senate Bills Nos. 257 with amendment, 2498 with amendment and 2775 with amendment be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson
February 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2501 with amendment, 2570 with amendment, 2836, 3046, 3407 with amendment, 3498 with amendment, 3522, 3581 with amendment, 3814 and 3815 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 257 with amendment, 2498 with amendment and 2775 with amendment to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2390 with amendment, 2724 with amendment, 2967 and 3045 with amendment; also, recommend that Senate Bills Nos. 2636, 2748 with amendment and 3026 with amendment be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
February 9, 2010

The Speaker announced that he had referred Senate Bills Nos. 2390 with amendment, 2724 with amendment, 2967 and 3045 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2636, 2748 with amendment and 3026 with amendment to the Committee on Finance, Ways and Means.

MOTION

Senator Black moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 3920** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3920 by Senator Finney.

Gibson County -- As introduced, subject to local approval, establishes that the county clerk serves as clerk of juvenile court effective 12:01 a.m. September 1, 2010; abolishes office of clerk of juvenile court and provides if a vacancy in such office occurs prior to August 31, 2010, the county clerk is appointed to serve until term expires. Amends Chapter 307 of the Private Acts of 1982.

MOTION

Senator Black moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3916 through 3919** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 3916 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3917 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3918 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3919 referred to the Committee on Finance, Ways and Means.

MOTION

Senator Black moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 783 and 784**; and **Senate Resolutions Nos. 190 through 192** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 783 by Senator Black.

General Assembly, Recess & Reconvene -- Recesses 106th General Assembly at close of business on February 11, 2010; reconvenes Senate on February 17, 2010, at 8:30 a.m. and reconvenes House on February 18, 2010, at 9:00 a.m.

Senate Joint Resolution No. 784 by Senator Burchett.

General Assembly, Directed Studies -- Requests reports from the Department of Environment and Conservation relative to TVA Emergency Preparedness and transition to Dry Coal Ash Storage.

Senate Resolution No. 190 by Senator Faulk.

Memorials, Professional Achievement -- Mike Hammond, Country Radio Hall of Fame.

Senate Resolution No. 191 by Senator Faulk.

Memorials, Recognition -- Wayne Surber.

Senate Resolution No. 192 by Senator Faulk.

Memorials, Recognition -- Bill Brooks.

MOTION

Senator Black moved, pursuant to Rule 21, **House Joint Resolution No. 749**; **Senate Joint Resolutions Nos. 764 through 782**; and **Senate Resolution No. 189** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

WEDNESDAY, FEBRUARY 10, 2010 -- 55TH LEGISLATIVE DAY

House Joint Resolution No. 749 -- Naming and Designating -- "Invasive Weed Awareness Week", February 22-27, 2010.

The Speaker announced that he had referred House Joint Resolution No. 749 to the Committee on State and Local Government.

Senate Joint Resolution No. 764 -- Memorials, Death -- Lt. Governor John S. Wilder.

The Speaker announced that he had referred Senate Joint Resolution No. 764 to the Committee on Calendar.

Senate Joint Resolution No. 765 -- Memorials, Government Officials -- Urges the State Capitol Commission to place a bust of former Lt. Governor John Wilder in the State Capitol.

The Speaker announced that he had referred Senate Joint Resolution No. 765 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 766 -- Memorials, Heroism -- 269th Military Police Company, Tennessee Army National Guard.

The Speaker announced that he had referred Senate Joint Resolution No. 766 to the Committee on Calendar.

Senate Joint Resolution No. 767 -- General Assembly, Statement of Intent or Position -- Expresses support for the Tennessee Chapter of the Trail of Tears Association and commemorative events honoring Native Americans.

The Speaker announced that he had referred Senate Joint Resolution No. 767 to the Committee on State and Local Government.

Senate Joint Resolution No. 768 -- Memorials, Congress -- Urges Congress to include the City of Oak Ridge in all considerations of The Manhattan Project National Historical Park Study Act.

The Speaker announced that he had referred Senate Joint Resolution No. 768 to the Committee on Finance, Ways and Means.

Senate Joint Resolution No. 769 -- Memorials, Death -- Edwin Eblen Arnold.

The Speaker announced that he had referred Senate Joint Resolution No. 769 to the Committee on Calendar.

Senate Joint Resolution No. 770 -- Memorials, Death -- Henry Ford Clayton.

The Speaker announced that he had referred Senate Joint Resolution No. 770 to the Committee on Calendar.

Senate Joint Resolution No. 771 -- Memorials, Recognition -- Fentress County Agricultural Fair, 87th Annual Convention of the Tennessee Association of Fairs.

The Speaker announced that he had referred Senate Joint Resolution No. 771 to the Committee on Calendar.

WEDNESDAY, FEBRUARY 10, 2010 -- 55TH LEGISLATIVE DAY

Senate Joint Resolution No. 772 -- Memorials, Death -- Milton Shamitz.

The Speaker announced that he had referred Senate Joint Resolution No. 772 to the Committee on Calendar.

Senate Joint Resolution No. 773 -- Memorials, Heroism -- Holocaust Survivors and Liberators residing in Tennessee.

The Speaker announced that he had referred Senate Joint Resolution No. 773 to the Committee on Calendar.

Senate Joint Resolution No. 774 -- Memorials, Recognition -- Leadership Chattanooga.

The Speaker announced that he had referred Senate Joint Resolution No. 774 to the Committee on Calendar.

Senate Joint Resolution No. 775 -- Memorials, Death -- Staff Sergeant Rusty Christian, United States Army.

The Speaker announced that he had referred Senate Joint Resolution No. 775 to the Committee on Calendar.

Senate Joint Resolution No. 776 -- Memorials, Personal Achievement -- Kermisha Tate, Pearl of Promise Award.

The Speaker announced that he had referred Senate Joint Resolution No. 776 to the Committee on Calendar.

Senate Joint Resolution No. 777 -- Memorials, Recognition -- John Shulman, Distinguished Citizen Award.

The Speaker announced that he had referred Senate Joint Resolution No. 777 to the Committee on Calendar.

Senate Joint Resolution No. 778 -- Naming and Designating -- "National Crime Victim's Rights Week", April 18-24, 2010.

The Speaker announced that he had referred Senate Joint Resolution No. 778 to the Committee on State and Local Government.

Senate Joint Resolution No. 779 -- Memorials, Public Service -- Grant Law, Kiwanis Club 2010 Distinguished Service Award.

The Speaker announced that he had referred Senate Joint Resolution No. 779 to the Committee on Calendar.

Senate Joint Resolution No. 780 -- Memorials, Public Service -- Congressman Bart Gordon.

The Speaker announced that he had referred Senate Joint Resolution No. 780 to the Committee on Calendar.

Senate Joint Resolution No. 781 -- Memorials, Retirement -- Dennis Huffer.

The Speaker announced that he had referred Senate Joint Resolution No. 781 to the Committee on Calendar.

Senate Joint Resolution No. 782 -- Memorials, Recognition -- Hedy Weinberg.

The Speaker announced that he had referred Senate Joint Resolution No. 782 to the Committee on Calendar.

Senate Resolution No. 189 -- Memorials, Personal Achievement -- Zachary Ramsey, Eagle Scout.

The Speaker announced that he had referred Senate Resolution No. 189 to the Committee on Calendar.

MOTION

Senator Black moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 783**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 783 -- General Assembly, Recess & Reconvene -- Recesses 106th General Assembly at close of business on February 11, 2010; reconvenes Senate on February 17, 2010, at 8:30 a.m. and reconvenes House on February 18, 2010, at 9:00 a.m.

On motion of Senator Black, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 783** was adopted.

CONSENT CALENDAR NO. 1

Objections having been raised, the following resolution was placed at the heel of the calendar for Thursday, February 11, 2010, pursuant to Rule 38: **House Joint Resolution No. 773**.

Senate Joint Resolution No. 753 -- Memorials, Retirement -- Ron Fox.

Senate Joint Resolution No. 754 -- Memorials, Sports -- Lin Dunn.

Senate Joint Resolution No. 755 -- Memorials, Death -- Morgan Elizabeth Kelley.

Senate Joint Resolution No. 757 -- Memorials, Recognition -- Barbara Anthony.

Senate Joint Resolution No. 758 -- Memorials, Professional Achievement -- Clint Etherton, 2009 Forrest Purcer Award.

Senator Faulk moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

WEDNESDAY, FEBRUARY 10, 2010 -- 55TH LEGISLATIVE DAY

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 2441 -- Sunset Laws -- As introduced, extends the board of chiropractic examiners, June 30, 2013. Amends TCA Title 4, Chapter 29, Part 2 and Title 63, Chapter 4, Part 1.

Senate Bill No. 2442 -- Sunset Laws -- As introduced, extends the board of communication disorders and sciences, June 30, 2013. Amends TCA Title 4, Chapter 29, Part 2 and Title 63, Chapter 17, Part 1.

Senate Bill No. 2444 -- Sunset Laws -- As introduced, extends the board of dentistry, June 30, 2013. Amends TCA Title 4, Chapter 29, Part 2 and Title 63, Chapter 5, Part 1.

Senate Bill No. 2950 -- Sunset Laws -- As introduced, extends the board of ground water management, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 10, Part 1.

Senate Bill No. 2952 -- Sunset Laws -- As introduced, extends the water quality control board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 69, Chapter 3.

Senate Bill No. 2953 -- Sunset Laws -- As introduced, extends the petroleum underground storage tank board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 215.

Senate Bill No. 2954 -- Sunset Laws -- As introduced, extends the solid waste disposal control board, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 211.

Senator Faulk moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

MOTION

Senator Black moved that the Proposed Schedule for the week of February 15, 2010, be adopted and made the action of the Senate, which motion prevailed.

WEDNESDAY, FEBRUARY 10, 2010 -- 55TH LEGISLATIVE DAY

**TENNESSEE STATE SENATE
106th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF FEBRUARY 15, 2010**

MONDAY – February 15

State Holiday – No Session

TUESDAY – February 16

10:30 a.m. – 12:00 noon	Finance, Ways & Means Committee
12:00 noon – 1:00 p.m.	Transportation Committee
1:00 p.m. – 3:00 p.m.	Commerce, Labor & Agriculture Committee
3:00 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – February 17

8:30 a.m.	Session – Senate Chamber
10:00 a.m. – 12:00 noon	State & Local Government Committee
12:00 noon – 1:00 p.m.	Lunch
1:00 p.m. – 2:30 p.m.	Education Committee
2:30 p.m. – 3:30 p.m.	Government Operations Committee
3:30 p.m. – 5:00 p.m.	General Welfare, Health & Human Resources Committee

THURSDAY – February 18

9:00 a.m.	Session – Senate Chamber
-----------	--------------------------

MOTION

On motion of Senators Herron and Woodson, their names were added as sponsors of **Senate Joint Resolution No. 753**.

On motion of Senators Marrero, Harper and Tate, their names were added as sponsors of **House Joint Resolution No. 773**.

On motion of Senators Tracy and Stewart, their names were added as sponsors of **Senate Bill No. 3338**.

On motion of Senator Watson, his name was added as sponsor of **Senate Bill No. 2649**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 2403**.

On motion of Senator Black, her name was added as sponsor of **Senate Bill No. 3498**.

WEDNESDAY, FEBRUARY 10, 2010 -- 55TH LEGISLATIVE DAY

ENGROSSED BILLS

February 10, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2441, 2442, 2444, 2950, 2952, 2953 and 2954; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENGROSSED BILLS

February 10, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 753, 754, 755, 757, 758 and 783; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 10, 2010

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 751, with his approval.

STEVEN E. ELKINS,
Counsel to the Governor.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following resolution on the calendar for Thursday, February 11, 2010: House Joint Resolution No. 773.

This the 10th day of February, 2010.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Black moved the Senate adjourn until 9:00 a.m., Thursday, February 11, 2010, which motion prevailed.